



POLICE STUDENT GUIDE

Law



Weapons Offenses

~ CHAPTER 15 ~

Topics and concepts included in this chapter:

1. Distinguishing between deadly weapons and dangerous instruments and defining various types of weapons.
2. The difference between mere possession and possession with intent to use a weapon.
3. Penal Law offenses pertaining to criminal possession of a weapon.
4. Legal presumptions relating to weapons possession as set forth in the Penal Law.
5. Penal Law offenses pertaining to unlawful wearing of a body vest, unlawfully possessing or selling noxious material, and unlawfully dealing with fireworks.
6. New York City Administrative Code violations pertaining to weapons offenses.
7. Different categories and restrictions related to handgun licenses and rifle/shotgun permits.

Mandatory Patrol Guide Procedures

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P.G. 207-26 Voluntary Surrender of Weapons with Written Notice

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Reference

Police Department City of New York – Pistol License Information Booklet



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PART I: INTRODUCTION

The major reason for you to know about weapons involves your primary responsibility to protect life. In New York City and across the United States, people, including police officers, are injured or killed as a result of unlawful possession and use of weapons. Thus, it is critical that you learn about weapons, their capabilities, how to detect them, and how to protect yourself and others against them. You will learn much of this in the physical training and the firearms and tactics components of this curriculum.

The purpose of this chapter is somewhat different, however. This chapter is designed to help you to understand weapons laws and classification, and the procedures to follow when you come in contact with weapons through arrests, seizures, and surrenders. Thus, this is not quite a *life or death* chapter in the same sense as your training in firearms, tactics, and self-defense, but it is extremely critical nonetheless. When police do not know how to recognize, classify, handle, and process weapons in their custody, criminals – *including murderers* – go free for reasons that have nothing to do with the question of whether they actually committed the crimes with which they have been charged. That is unacceptable: it allows dangerous criminals to walk freely in the streets of New York City and violates our primary responsibility to protect life.

WEAPONS LAWS IN NEW YORK STATE

As you will discover, should you elect to purchase an off-duty pistol, the legislators of New York State and New York City have given us the Nation's most comprehensive and restrictive weapons laws. Despite these laws and despite the great reductions in violent crime we recently have experienced, we still suffer from an unacceptable rate of weapons-related violence, particularly involving handguns. The major explanation for this is that, while it is extremely difficult to legally purchase handguns in New York State, it is very easy to buy handguns in other states with far less restrictive handgun laws and then transport them here.

Statistics show, year after year, that the great majority of handguns carried by criminals and used by criminals against our citizens – *more than 90 percent of the guns we seized* – originated in gun shops from Virginia, the Carolinas, Georgia, and Florida. These firearms were purchased there by people who presented minimal credentials and then transported the weapons to New York, as part of a black market that too often takes the lives of innocent persons and our fellow officers. It is incumbent on you to know all you can about NYS weapon laws and the devices they regulate and ban.



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PART II: DEADLY WEAPONS AND DANGEROUS INSTRUMENTS

The major weapons-related distinction drawn in our laws is between deadly weapons and dangerous instruments. This is explained in detail later in this chapter, but for now, understand this basic difference:

Deadly Weapons generally are devices that have no purpose other than to hurt or to kill people. You can think of such devices; metal knuckles, for example, have no other purpose than to break somebody's bones. Nobody who carries a switchblade knife does so to be ready to carve the Thanksgiving turkey. Nobody owns a blackjack – a ball of lead wrapped into a leather handle – to hammer nails. These are weapons designed only to hurt people. The law recognizes this and makes it a crime merely to possess any of them. When people are caught in possession of one of these devices, it does not matter what they tell the judge about why they were carrying it. The law presumes, in effect, that they could only have been carrying it to hurt people, and that they therefore have committed a crime.

Unless one has a permit, or is an active law enforcement officer, or some other legal exemption, concealable firearms, like pistols, also are considered deadly weapons. These are devices that are designed to hurt people, and in New York, only law enforcement personnel and a few others who can show that they need them for purely legitimate defensive purposes, like cops and others involved in high-risk businesses, are permitted to own or carry them. Also in this category are machine guns.

Dangerous Instruments typically are items that *do* have legitimate purposes, so normally it is legal to possess them. But it is a crime to possess or use them under circumstances that indicate intent to use them to hurt, kill, threaten, or frighten others. Under normal circumstances, it is not a crime to possess a baseball bat, for example, because its usual purpose is to play baseball. Anybody who uses a bat to assault another person, however, would be charged not only with assault, but also with criminal possession of a weapon because they used the bat under circumstances indicating intent to use it to hurt another person. In the same way, using an ordinary penknife to rob or stab someone would add a weapons possession charge in addition to any other appropriate offense (e.g., robbery, assault, attempted murder, murder). Thus, the *dangerous instrument* category can include virtually any everyday object – screwdrivers, ice picks, bats, hammers, chains, wooden bars, jack handles, crowbars, axes – carried or used to commit a crime against other people.

CURRENT LAW

In 2013, some of the strictest gun laws in the country went into effect in New York State regarding the possession, sale, and use of firearms. This legislation created new laws and penalties for the illegal possession of firearms. Whenever a firearm is



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used or possessed during the commission of a crime, an additional charge from Article 265 of the Penal Law would also be appropriate.

Article 265 of the Penal Law addresses weapon offenses. Generally speaking, these offenses involve the illegal possession, use, sale, manufacture, or alteration of weapons. Difficulty may arise because of the various definitions of similar language. It is extremely important that you understand the listed definitions, so that you avoid errors in classification.

N.Y. P.L. ARTICLE 10 – DEFINITIONS:

- **Deadly Weapon** - any loaded weapon from which a shot, readily capable of producing death or other serious physical injury may be discharged, a switchblade knife, dagger, billy club, expandable baton, blackjack, metal knuckles, plastic knuckles, pilum ballistic knife, or metal knuckle knife.
- **Dangerous Instrument** - any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious physical injury.

N.Y.S. P.L. 265.00 – DEFINITIONS:

- **Assault Weapon** - a semiautomatic rifle, shotgun or pistol that has an ability to accept a detachable magazine and has at least one of the following characteristics; flash suppressor, silencer, folding stock, grenade launcher, etc. For the complete definition see the NYS Penal Law.
- **Defaced Firearm, Rifle or Shotgun** - to remove, cover, alter, or destroy the manufacturer's serial number, or any other distinguishing number, or identification mark, for the purpose of concealment (i.e., not being able to trace the weapon to the original owner), or prevention of the detection of a crime or misrepresenting the identity of such firearm.
- **Disguised Gun** - any weapon or device capable of being concealed on a person from which a shot can be discharged through the energy of an explosive and is designed and intended to appear to be something other than a gun (i.e., a pen gun).

Firearm:

- a. any **pistol** or **revolver**, or
- b. a **shotgun** having one or more barrels **less than 18 inches** in length; or
- c. a **rifle** having one or more barrels **less than 16 inches** in length; or



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- d. **any weapon made from a shotgun or rifle** whether by alteration, modification, or otherwise has an **overall length of less than 26 inches**; or
 - e. an **assault rifle**.
- **Note:** The term "firearm" does **not** include an antique firearm. This definition specifically excludes long guns like the rifles and shotguns traditionally used for hunting and other sports, and not readily concealed.
 - **Firearm Silencer** - any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.
 - **Large Capacity Feeding Device** - a magazine, belt, drum, feed strip, or similar device, that has a capacity of, or that can be readily restored or converted to accept, more than ten rounds of ammunition; provided, however, that such term does not include an attached tubular device designed to accept, and capable of operating only with .22 caliber rim fire ammunition or a feeding device that is a curio or relic.
 - **Loaded Firearm** - any firearm loaded with ammunition, or any firearm which is possessed by one who, at the same time, possesses a quantity of ammunition that may be used to discharge such firearm.
 - **Note:** Some flare guns have been found to be capable of firing shotgun cartridges, and such flare guns are to be considered firearms. This also means that the firearm must be loaded and capable of being fired. **Do not attempt to discharge or unload any weapon you are not qualified to handle.**
 - **Machine Gun** – a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger. This definition also includes sub-machine guns.
 - **Note:** Most people think of handguns as either **revolvers** or **automatics**. In fact, what we traditionally refer to as an **automatic** is actually **semi**-automatic. A true automatic, like a machine gun or sub-machine gun, fires continuously with a single pull of the trigger, so long as the trigger is held back. A semi-automatic fires only one shot per trigger pull.



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- **Rifle** - any weapon designed or redesigned and intended to be fired from the shoulder, using a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.
- **Semiautomatic** - any repeating rifle, shotgun or pistol (regardless of barrel or overall length), which utilizes a portion of the energy of a firing cartridge or shell to extract the fired cartridge, case, or spent shell, and chamber the next round and which requires a separate pull of the trigger to fire each cartridge or shell.
- **Shotgun** - any weapon designed or redesigned and intended to be fired from the shoulder, using a fixed shotgun shell that fires through a smooth bore a number of ball-shot or a single projectile for each pull of the trigger.
- **Electronic Dart Gun** - any device designed primarily as a weapon, the purpose of which is to momentarily stun, knock out, or paralyze a person by passing an electrical shock to such person by means of a dart or projectile.
- **Electronic Stun Gun** - any device designed primarily as a weapon, the purpose of which is to stun, cause mental disorientation, render unconscious, or paralyze a person by passing a high voltage electrical shock to such person.
- **Metal Knuckle Knife** - a weapon that, when closed, cannot function as a set of metal knuckles, nor as a knife and when open, can function as both.
- **Pilum Ballistic Knife** - any knife that has a blade that can be projected from the handle by a button, lever, spring, or other device.
- **Switchblade Knife** - any knife which opens automatically by hand pressure that is applied to a button, spring or other device in the knife handle.
- **Kung Fu Star** - a disc-like object with sharpened points on the circumference thereof, and is designed for use primarily as a weapon to be thrown.
- **Cane Sword** - a cane or swagger stick having concealed within it a blade that may be used as a sword or stiletto.
- **Chuka Stick** - any device designed primarily as a weapon, consisting of



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two or more lengths of a rigid material jointed together by a thong, rope, or chain in such a manner as to allow free movement of a portion of the device while held in the hand and capable of being rotated in such a manner as to inflict serious injury upon a person by striking or choking. These devices are also known as nunchukas and centrifugal force sticks.

PART III: POSSESSION

Possession - The term means: to have physical possession or otherwise exercise control over property. This includes **actual possession** as well as **constructive possession**.

Constructive Possession - To exercise control over property while not physically possessing it.

Examples of constructive possession: a firearm is found in the glove compartment of an automobile in which the defendant was driving; a blackjack is discovered in a briefcase carried by the defendant; a deadly weapon is found in an apartment occupied solely by the defendant.

The offense of criminal possession of a weapon is broken down into a four-degree framework, including both felony and misdemeanor sections. These sections may refer to a certain individual weapon by name, such as chuka stick, or an overall category of weapons such as dangerous weapons. It is, therefore, important that you understand the difference between various categories and the relationship of the individual kinds of weapons to those groupings.

“MERE POSSESSION” AND “POSSESSION WITH INTENT TO USE” AS THEY APPLY TO CRIMINAL POSSESSION OF WEAPON STATUTES:

As previously noted, this section of the Penal Law has a four-degree structure. All degrees are broken down into various weapon violations delineated under two categories:

1. Mere Possession of a Weapon
2. Possession of a Weapon with Intent to Use

Mere Possession: As suggested at the beginning of this chapter, this applies to those person(s) who possess certain listed weapons, defined as deadly weapons. By simply possessing the described weapon, a person commits the crime of criminal possession of a weapon. There is no need to show that the person intended to use the weapon unlawfully.

- **Note:** Certain types of persons, such as police officers, peace officers,



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and persons in the military may possess weapons and not be in violation of Article 265 of the Penal Law.

Possession with Intent to Use: This category refers to certain weapons or types of weapons that a person possesses, but it would not be criminal unless the officer could show that the person possessed the weapon with the intent to use it unlawfully. This unlawful use can be shown by one of the two ways:

1. The circumstances in which the weapon was discovered or found.
 - a. A person swings a golf club at another person with intent to cause a physical injury. The golf club, a legal instrument, now becomes a weapon.
2. The intent to use the weapon unlawfully is presumed by law.
 - a. The law presumes that any person in possession of a dangerous knife or a homemade weapon possesses such weapon with the intent to use it unlawfully against another.

CRIMINAL POSSESSION OF A WEAPON

CRIMINAL POSSESSION OF A WEAPON IN THE 4TH DEGREE – MISDEMEANOR (P.L. 265.01)

- **Subdivision 1** - No intent is required, so that the mere possession of the following weapons is a crime: firearm, electronic dart gun, electronic stun gun, switchblade knife, pilum ballistic knife, metal knuckle knife, cane sword, billy club, expandable baton, blackjack, bludgeon, metal knuckles, plastic knuckles, chuka sticks, sand bag, sandclub, wrist-brace type slingshot or slungshot, shiriken or Kung Fu star.
 - **Note:** For subdivision 1 (for the firearm), to charge CPW 4th degree, such firearm, if loaded, must be inside of home or place of business; if unloaded, such firearm may be anywhere.
 - **Note:** For subdivision 1, nine of the ten deadly weapons are included in this subdivision. The dagger is not included but is listed in subdivision 2.
- **Subdivision 2** - Unlawful intent is required for certain weapons. With a dagger, a dangerous knife, a dirk, a razor, a stiletto, an imitation pistol, or a dangerous instrument, it is required for an officer to show intent to use the weapon unlawfully against another.
 - **Note:** Under P.L. 265.15 subdivision 4, intent is **presumed** for a



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dagger (dirk, stiletto), or a dangerous knife. However, intent is not presumed and must be established through other facts for a razor, an imitation pistol, or a dangerous instrument.

- **Subdivision 3** - Section deleted from Penal Law.
- **Subdivision 4** - Possession of a rifle, shotgun, antique firearm, black powder rifle, black powder shotgun or any muzzle-loading firearm and has been convicted of a felony or serious offense.
- **Subdivision 5** - A non-U.S. citizen possesses a dangerous or deadly weapon.
- **Subdivision 6** - Person certified not suitable to possess a rifle or shotgun and refuses to yield possession of weapons to police.
- **Subdivision 7** - Possesses explosive bullets.
- **Subdivision 8** - Possesses armor-piercing ammunition with intent to use unlawfully.

CRIMINAL POSSESSION OF A WEAPON ON SCHOOL GROUNDS – FELONY (P.L. 265.01A)

A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her possession a rifle, shotgun, or firearm in or upon a building or grounds used for educational purposes, of any school, college, or university, or upon a school bus as defined in section one hundred forty-two of the Vehicle and Traffic Law.

CRIMINAL POSSESSION OF A WEAPON IN THE 3RD DEGREE – FELONY (P.L. 265.02)

- **Subdivision 1** - Commits subdivisions 1, 2, or 5, of CPW in the 4th degree (misdemeanor) **and** has a prior conviction of any crime.
- **Subdivision 2** - Possesses any explosive substance, firearm silencer, machine gun, or any other firearm or weapon simulating a machine gun and which is adaptable for such use.
- **Subdivision 3** - Possesses a defaced machine-gun, shotgun, firearm, rifle for the purposes of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun, firearm, rifle or shotgun.
- **Subdivision 4** - Repealed



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- **Subdivision 5** - Possesses three or more firearms, or possesses a firearm and has a prior conviction of a felony or a Penal Law class “A” misdemeanor within five years. The firearms or firearm need not be loaded.
- **Subdivision 6** - Knowingly possesses any disguised gun.
- **Subdivision 7** - Possesses an assault weapon.
- **Subdivision 8** - Possesses a large capacity ammunition-feeding device.
- **Subdivision 9** - Possesses an unloaded firearm and also commits a drug trafficking felony (e.g., sale of a controlled substance) as part of the same criminal transaction.
- **Subdivision 10** - Possesses an unloaded firearm and also commits any violent class B, C, D and E felony offense as part of the same criminal transaction.
 - **Note:** To charge CPW 3rd degree - felony, the machine gun, disguised gun, or assault weapon possessed, need not be loaded.

CRIMINAL POSSESSION OF A WEAPON IN THE 2ND DEGREE – FELONY (P.L. 265.03)

A person is guilty of criminal possession of a weapon in the 2nd degree when:

1. With **intent to use** unlawfully against another, he or she:
 - a. Possesses a machine gun;
 - b. Possesses a loaded firearm;
 - c. Possesses a disguised gun;
2. Such person possesses five or more firearms;
3. Possesses a loaded firearm, outside of home or place of business.
 - **Note:** The machine gun or disguised gun need not be loaded. Therefore, *intent to use can* be established by the firing of such weapons and other actions such as the pointing of the listed weapons at an individual with the intent to place them in reasonable fear of a physical injury, serious physical injury, or death (menacing). Additionally, intent can be established by the suspect’s intent to use the weapon to forcibly obtain property from



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another person (robbery).

CRIMINAL POSSESSION OF A WEAPON IN THE 1ST DEGREE – FELONY (P.L. 265.04)

A person is guilty of criminal possession of a weapon in the 1st degree when he:

1. Possesses any explosive substance with intent to use the same unlawfully against the person or property of another; **or**
2. Possesses ten or more firearms.

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FELONY VS. MISDEMEANOR

The following is a reference chart for specific weapons and/or circumstances and may be used to assist you in classifying a weapon offense.

<p>Misdemeanor</p>	<ul style="list-style-type: none"> • Metal knuckle knife • Dagger • Stiletto • Dangerous knife • Switchblade knife • Pilum ballistic knife • Cane sword • Shirken or Kung Fu Star • Billy Club (bludgeon) • Expandable Baton • Blackjack • Sand bag (sand club) • Metal or plastic knuckles • Chuka stick • Dart gun • Wrist-brace type slingshot or slungshot • Electronic stun gun • Unloaded firearm (loaded firearm inside home or business) • Explosive bullets
<p>Felony</p>	<ul style="list-style-type: none"> • Silencer • Machine gun • Assault weapon • Loaded firearm outside of a person's home or business or anywhere with an intent to use unlawfully • Large capacity ammunition feeding device • Defaced or disguised firearm, machine gun, rifle, shotgun • Any weapon listed in misdemeanor section above (except explosive bullets), if any prior conviction of a crime. • Three or more unlawfully possessed firearms • Explosive • Unloaded firearm and commits a drug trafficking felony • Unloaded firearm and commits a class B, C, D or E felony • Rifle, shotgun or firearm on school grounds

WEAPONS POSSESSION BY JUVENILES

UNLAWFUL POSSESSION OF WEAPONS BY PERSONS UNDER SIXTEEN – MISDEMEANOR (P.L. 265.05)



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It is unlawful for any person under the age of 16 to possess the following:

- Any air gun, spring gun, or other instrument or weapon in which the propelling force is a spring or air, or
- Any weapon in or upon which any loaded or blank cartridges may be used, or
- Any loaded or blank cartridges or ammunition therefore, or
- Any dangerous knife.

Juveniles in possession of any of the weapons listed above should be arrested and charged with ***juvenile delinquency***. An exception to this would be if the possession of a rifle, shotgun, or ammunition is by the holder of a hunting license or permit (which is issued pursuant to Article II of the Environmental Conservation Law) **and** the weapon is used legally.

UNLAWFUL POSSESSION OF A WEAPON UPON SCHOOL GROUNDS – VIOLATION (P.L. 265.06)

It is unlawful for any person age 16 or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO² cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution.

- **Example:** BB gun, paintball gun, etc.
- **Note:** NYC Administrative Code also makes it a violation for *anyone* to possess an air-gun *anywhere* within NYC. (A.C. 10-131[b])

PART IV: GENERAL PRESUMPTIONS

A presumption in law allows a police officer to infer certain elements of an offense without the burden of providing proof. The officer is not mandated to use these presumptions, and should exercise common sense when applying them. Regarding weapons, presumptions assist police officers in areas of possession, unlawful intent and defacement of firearms.

PRESUMPTIONS RELATED TO WEAPONS POSSESSION (NYS PENAL LAW 265.15)

Machine Gun: When a machine gun is found in ***any*** dwelling, structure or vehicle, it is presumed to be possessed by ***all persons*** occupying the place where it is found.



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Stolen Vehicles: Whenever any weapons are found in a stolen vehicle, it is presumed to be possessed by **all persons** in the vehicle at the time the weapon is found.

Automobiles: The presence in an automobile, other than a stolen vehicle or a public omnibus, of any firearm, large capacity ammunition feeding device, defaced firearm, defaced rifle or shotgun, defaced large capacity ammunition feeding device, firearm silencer, explosive or incendiary bomb, bombshell, switchblade knife, pilum ballistic knife, dagger, dirk, stiletto, billy club, expandable baton, blackjack, metal knuckles, metal knuckle knife, chuka stick, sand bag, sand club, or slungshot is presumptive evidence of its possession by **all persons** occupying such automobile at the time such weapon, instrument or appliance is found, **except** under the following circumstances:

- If such weapon, instrument or appliance is found **upon the person** of one of the occupants therein; **or**
- If such weapon, instrument or appliance is found in an automobile which is being operated **for hire** by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver; **or**
- If the weapon found is a pistol or revolver and one of the occupants, who is not present under duress, has in his possession a **valid license** to have and carry it while it is concealed.

PRESUMPTIONS OF POSSESSION, UNLAWFUL INTENT, AND DEFACEMENT (P.L. 265.15)

Explosive Substance: A person who possesses an explosive substance is presumed to possess it with intent to use it unlawfully against the person or property of another.

Presumptions of Intent to Sell: The possession of five or more firearms by any person is presumptive evidence that such person possessed the firearms with the intent to sell them. Such a person may be charged with criminal sale of a firearm - felony (P.L. 265.11).

PRESUMPTION OF DEFACEMENT

Any person who possesses a defaced machine gun, firearm, rifle or shotgun is presumed to have done the defacing. Such a person may be charged with criminal possession of a weapon - felony.

PRESUMPTION OF POSSESSION

The law **presumes** that anybody who possesses any of the following does so with intent to use them unlawfully against another:



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- Dagger (dirk, stiletto)
- Dangerous knife (“catch all” for other dangerous knives not specifically included in the statute)
- Any other weapon, instrument, appliance or substance designed, made or adapted for use primarily as a weapon

Hence, **mere possession** of any of the above weapons is a misdemeanor.

POSSESSION PLUS UNLAWFUL INTENT

Mere possession of the following four weapons **is not** enough to charge criminal possession of a weapon 4th degree - misdemeanor. The intent to use them unlawfully is not presumed and must be established by other facts or circumstances. You can recall them by keeping in mind the acronym **RAID**:

- **R**azor
- **A**rmor-piercing ammunition
- **I**mitation pistol
- **D**angerous instrument
 - **Note:** Mere possession of an imitation pistol, or any ammunition without a license, is a violation of the NYC Administrative Code. Mere possession of a razor by certain persons is also a violation of the NYC Administrative Code. Persons found to be in violation of the NYC Administrative Code are subject to a summons or arrest (depending on the circumstances).

PART V: OTHER OFFENSES RELATING TO PUBLIC SAFETY

UNLAWFUL WEARING OF A BODY VEST – FELONY (P.L. 270.20)

A person may be charged with this section of the law when:

1. Acting alone or with others;
2. Person(s) commit any violent felony offense while possessing a firearm, rifle, or shotgun; **and**
3. Wears a body vest (bullet-resistant soft body armor).
 - **Example:** Leo committed an armed bank robbery. After being apprehended by the police, he is found to be wearing a bulletproof



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vest. An additional charge of unlawful wearing of a body vest would be appropriate.

UNLAWFULLY POSSESSING OR SELLING NOXIOUS MATERIAL – MISDEMEANOR (P.L. 270.05)

Definitions

- **Self-defense spray device:** A pocket sized spray device that contains and releases a chemical or organic substance which is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air or any like device containing tear gas, pepper or similar disabling agent.
- **Noxious material:** Any container which contains any drug or other substance capable of generating offensive, noxious or suffocating fumes, gases or vapors, or capable of immobilizing a person. A person can be charged with this in one of two ways:
 1. A person possesses such material under circumstances evincing an intent to use it, or to cause it to be used, to inflict physical injury upon or to cause annoyance to a person, or to damage property of another, or to disturb the public peace.
 - **Note:** Possession of noxious material is presumptive evidence of intent to use it or cause it to be used in violation of this section.
 2. A person sells a self-defense spray device and such sale was not authorized in accordance with the provisions of paragraph 15 of subdivision (a) of section 265.20.

The following have been **exempted** from prosecution for weapons offenses (P.L. Article 265) and/or the noxious material offense (P.L. 270.05):

- Persons who possess a self-defense spray device for the protection of person or property, **and**
- Use of such self-defense spray device under circumstances that would justify the use of physical force pursuant to Article 35 of the Penal Law.
 - **Example:** A person who possesses or uses a self-defense spray device under circumstances evincing intent to possess or use it for self-defense purposes only, may not be criminally charged. However, a person who possesses or uses a self-defense spray



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device in the commission of a crime or under circumstances that would not be justified under Article 35 of the Penal Law may be criminally charged as circumstances warrant.

The following persons may not possess or use a self-defense spray device under any circumstance:

1. Persons who are less than 18 years of age, **or**
2. Persons who have been previously convicted in New York State of a felony or an assault (P.L. Article 120), **or**
3. Persons who have been convicted of a crime outside New York State which, if committed in New York State, would constitute a felony or an assault crime.

Retail sale of self-defense spray devices may be made **only** by the following entities:

1. Dealers in firearms licensed pursuant to P.L. 400.00.
2. Pharmacists licensed pursuant to Article 137 of the Education Law.
 - **Note:** The provisions of Administrative Code Section 10-131, subdivision (e), governing permits for tear gas are **pre-empted** by this section and may **not** be enforced.

FIREWORKS SALE AND POSSESSION

The definition of “firework” is extensively detailed in the NYS Penal Law and contains the common terms, such as; firecracker, roman candle, sparkler, explosive bottle rocket, bombs, explosive devices, etc.

UNLAWFULLY DEALING WITH FIREWORKS – MISDEMEANOR (PL 270.00) SUMMONS DEFINED

It is unlawful for any person to offer or expose for sale, sell, or furnish any fireworks or dangerous fireworks.

UNLAWFULLY DEALING WITH FIREWORKS – VIOLATION (PL 270.00) SUMMONS DEFINED

It is unlawful for any person to possess, use, or explode any fireworks without a permit.

PART VI: NYC ADMINISTRATIVE CODE SECTIONS PERTAINING TO WEAPONS



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DISCHARGE OF SMALL ARMS IN CITY – MISDEMEANOR (10-131, SUBDIVISION C)

It is unlawful for any person to fire or discharge any gun, pistol, rifle, fowling-piece (bird gun), or other firearm in the city, provided that the provisions hereof shall not apply to premises designated by the Commissioner.

POSSESSION OR SALE OF AN IMITATION PISTOL – MISDEMEANOR (10-131, SUBDIVISION G)

It is unlawful to possess, sell, offer for sale, use, or attempt to use, an imitation pistol or revolver which substantially duplicates an actual pistol or revolver unless it is a color other than black, blue, silver, or aluminum, and provided that the barrel is closed with the same material of which the toy or imitation pistol or revolver is made for a distance of not less than one half inch from the front end of the barrel. In addition, the name or trademark of the manufacturer must be stamped on an imitation pistol.

- **Note:** This section does not apply to imitation pistols sold or delivered outside New York City or those used in the production of television, theatrical or motion picture presentations.

RIFLES AND SHOTGUNS: CARRYING AND POSSESSION – MISDEMEANOR (10-131, SUBDIVISION H)

- It is unlawful for any person to carry or possess a loaded rifle or shotgun in public within the city limits.
- It is unlawful for any person to carry or possess an unloaded rifle or shotgun in public within the city limits unless such rifle or shotgun is completely enclosed or contained in a non-transparent carrying case.

RIFLES AND SHOTGUNS: PERMITS – MISDEMEANOR (10-303)

- It shall be unlawful for any person to have in his or her possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns.

RIFLES AND SHOTGUNS: CERTIFICATE OF REGISTRATION – MISDEMEANOR (10-304)

- It shall be unlawful for any person to have in his or her possession any rifle or shotgun unless said person is the holder of a Certificate of Registration for such rifle or shotgun.
 - **Note:** A misdemeanor is the appropriate charge for a person in possession of a rifle or shotgun under circumstances not amounting to the Penal Law weapons statute. A summons or arrest is authorized as per P.G. 212-46, "Unlawful Possession of



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Rifles/Shotguns.”

A person who possesses a rifle or a shotgun in New York City must have a permit issued by the New York City Police Department and a Certificate of Registration for the rifle or shotgun. However, a person who does not live in New York City and is passing through New York City does not need a permit for 72 hours provided the rifle or shotgun is unloaded and in a closed case or in an automobile trunk.

The Penal Law allows certain persons to possess rifles and shotguns without a permit and not be in violation of the law. Police officers, peace officers and owners of antique rifles or shotguns are among this group of persons.

ACTIONS TO BE TAKEN BY MEMBERS OF THE SERVICE OBSERVING A POSSIBLE RIFLE OR SHOTGUN VIOLATION:

The most critical factor in such cases is your own safety. Follow carefully the principles taught to you in your tactical training, and do not expose yourself to any unnecessary risk. Whenever possible, challenge armed people only after you have asked for and received the presence of other officers on the scene. Confront armed people from positions of cover or concealment from which, should things go wrong, you will benefit from all the advantages. Once you have stabilized such scenes:

1. Question the possessor to see if they have a permit or can possess it without a permit.
2. If not, tell the owner that the weapon must be surrendered.
3. Take the person to the station house; invoice the weapon at the station house, and give the person a receipt for it.
4. Arrest, issue summons, or prepare a Juvenile Report System Worksheet as the facts warrant.

KNIVES: UNAUTHORIZED CARRYING OR DISPLAYING – VIOLATION (10-133):

- A person who carries or possesses, in any public place, street or park, any knife with a blade length of **four or more inches** is violating this law.
- A person who, in a public place, street or park, wears outside of his/her clothing or carries in open view, any knife with an exposed or unexposed blade unless such person is actually using such a knife lawfully. Such knife has a lawful purpose if it is:
 - Displayed or carried to or from hunting, fishing, camping, hiking, picnicking, or any employment, trade or occupation customarily requiring the use of such knife.



POLICE STUDENT GUIDE

Law



- Displayed or carried by a member of a theatrical group, drill team, parade or practice which customarily requires the carrying of such knife.
- Being transported directly to or from the place of purchase, sharpening or repair and packaged so as not to allow easy access.
- Displayed or carried by an enrolled member of the Boy or Girl Scouts, or similar society, and the knife is necessary to participate in the society's activities.

PROHIBITED SALE OF CERTAIN TYPES OF KNIVES – VIOLATION (10-134)

Local Law 24 of 1984 prohibited the sale of certain types of knives. Any person who sells or offers for sale, within the confines of New York City, any folding knife with a blade length of **four or more inches**, which locks in an open position and cannot be closed without activating a release mechanism, is guilty of violating section 10-134 of the Administrative Code. Violators should be issued a personal service summons, which is returnable to Criminal Court.

- **Note:** Exempt from this law are merchants who ship the above-described knives in bulk to a point outside New York City.

THE LASER POINTER LAW – MISDEMEANOR (10-134.2)

- *Section 10-134.2 (b)* states that it is unlawful for any person to give, sell, or offer to sell a laser pointer to a person 18 years of age or younger.
- *Section 10-134.2 (c)* states that it is unlawful for the sellers of laser pointers to place them on open display in a manner that makes them accessible to the public without the assistance of the seller or his/her employee. In addition, the sellers cannot advertise the sale of laser pointers unless the seller has first posted a note stating that the selling of laser pointers to persons under 19 years old is a misdemeanor.
- *Section 10-134.2 (d)* states that it is unlawful for persons less than 21 years old to possess laser pointers on “school premises,” which is defined as the building or inside of any vehicle used to transport students. This section also holds that it is unlawful for any person 18 years or younger to possess a laser pointer in a public place. It is also unlawful for any person of any age to direct light that is emitted from a laser pointer in or through a public place. While violation of the other subdivisions is a misdemeanor, any person who violates



POLICE STUDENT GUIDE

Law



this subdivision shall be guilty of a violation for the first offense and a misdemeanor for all subsequent offenses. Keep in mind that those individuals that possess a laser pointer for a valid reason (such as for a valid school or employment related purpose) and use it lawfully would not be charged with any violation.

- It is unlawful for any person to direct light from a laser pointer at a uniformed police officer, uniformed security guard, uniformed school safety officer, uniformed traffic agent, uniformed emergency medical service or ambulance worker, or other uniformed city, state, or federal peace officer, investigator or emergency service worker or at the marked vehicle of any such person.

EXEMPTIONS

The provisions of the weapons statute regarding possession do not apply to the following:

- Police officers and peace officers of New York State.
- A police officer or sworn peace officer of another state, while conducting official business within New York State.

Note: P.L. 265.20, subdivision 16 (b), states that, although auxiliary police officers are **not** included in the above groups of persons, they may possess a “police baton.” They are required to be trained in its use including, but not limited to, the defensive use of the baton and the legal use of deadly physical force within the meaning of P.L. Article 35. For a complete listing of individuals excused, see P.L. 265.20.

WEAPONS LICENSING

Penal Law Section 400.00, subdivision 8, states that every licensee while carrying a pistol or revolver shall have on his/her person a license to carry the weapon. Every person licensed to possess either a pistol or a revolver in a particular premises, shall have the license for the weapon on such premises. Upon demand, the license shall be exhibited for inspection to any peace officer acting pursuant to his special duties. Failure of a licensee to exhibit or display his license shall be presumptive evidence that he is **not** duly licensed.

Current handgun licenses and rifle/shotgun permits are in the form of a hard plastic credit card style with enhanced security features and improved durability. These licenses are normally issued for a three-year period. Licenses are categorized according to type, with restrictions clearly marked on the face of the license. In addition, the license or permit has the following security features:



POLICE STUDENT GUIDE

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- The licensee's photograph, as well as signature and fingerprint, is prominently displayed on the front of the license
 - **Note:** Some renewals may only have the photograph of the licensee on the front).
- All licenses have the Police Department, City of New York logo superimposed on the front and the seal of the Police Department, City of New York superimposed on the rear.
- A clear plastic overlay with the holographic text "New York City Police Department" is laminated on the front of the license to prevent tampering and make the license readily identifiable to members of the service.

In the event a licensee is arrested, the handgun license or rifle/shotgun permit will be seized and such license or permit will be forwarded to the License Division as per P.G. 208-03, "Arrests – General Processing." The licensee must make an immediate report to the License Division Incident Section in the event they are arrested, indicted or convicted in any jurisdiction or receiving a summons other than for a traffic infraction. When a uniformed member of the service takes enforcement action, other than issuing a traffic summons against an individual who possesses either a handgun license or rifle/shotgun permit, the member will advise the desk officer.

The uniformed member of the service may conduct a search utilizing the Department's **Automated License/Permit System (ALPS)** located on the Department Intranet to verify if an individual has a valid handgun license or rifle/shotgun permit.

LICENSE RESPONSIBILITIES

A handgun license is issued under the following conditions:

- It is revocable at any time.
- It is not transferable to any other person or location.
- Any mutilation, alteration or lamination of the license shall render it void.
- The licensee must be in possession of his/her license at all times while carrying, transporting, possessing at residence, business, or range, the handgun(s) indicated on said license.
- A licensee who has a "Carry" or "Special Carry" type license may only carry one handgun on his/her person at any time.
- The licensee is authorized to own only the handgun(s) that are listed on the license.
- The licensee shall not draw, expose or display firearms unnecessarily.
- Persons with "Premise" licenses issued in NYS are restricted to transporting their firearm(s) unloaded in a locked container directly to and



POLICE STUDENT GUIDE

Law



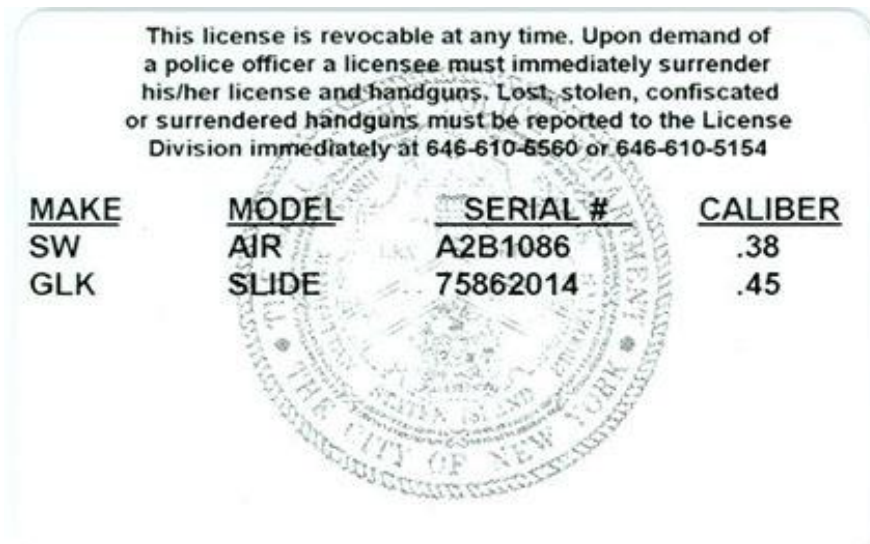
from their authorized premise (homes or business), an authorized range or shooting club, a lawful shooting competition, or any other location where the license holder is lawfully authorized to possess such handgun. **Ammunition will be carried separately.**

Licensed firearm holders will not be charged with offenses listed in Section 265.00 if they have violated a subdivision of Section 400.00. For example, a licensee with an on-premises permit would not be charged with a violation of Section 265 if he was discovered carrying the firearm on the street; or a person carrying a firearm whose permit has expired if that expiration date is within one year. The proper charge in both cases would be Section 400.17, which is a class "A" Misdemeanor. Section 265 would apply only if the licensee possesses the firearm with the intent to use it unlawfully against another person.

Penal Law Section 400.00, subdivision 1, states that applicants for pistol licenses must be 21 years of age or older, **unless** they have been honorably discharged from the United States Army, Navy, Marine Corps, or Coast Guard or the National Guard of the State of New York.



HANDGUN LICENSES AND WEAPONS



Retired Law Enforcement – Carry License – An **UNRESTRICTED** Handgun License issued to residents of New York City who have retired from a law enforcement agency (ex: NYPD, Corrections, Federal Law Enforcement, etc.).



HANDGUN LICENSES AND WEAPONS



This license is revocable at any time. Upon demand of a police officer a licensee must immediately surrender his/her license and handguns. Lost, stolen, confiscated or surrendered handguns must be reported to the License Division immediately at 646-610-5560 or 646-610-5154

<u>MAKE</u>	<u>MODEL</u>	<u>SERIAL #</u>	<u>CALIBER</u>
SW	AIR	A2B1086	.38
GLK	SLIDE	75862014	.45

Carry Business License – An **UNRESTRICTED** Handgun License which permits the carrying of a handgun, concealed on the person 24 hours a day.



HANDGUN LICENSES AND WEAPONS



This license is revocable at any time. Upon demand of a police officer a licensee must immediately surrender his/her license and handguns. Lost, stolen, confiscated or surrendered handguns must be reported to the License Division immediately at 646-610-6560 or 646-610-5154

MAKE	MODEL	SERIAL #	CALIBER
SW	AIR	A2B1086	.38
GLK	SLIDE	75862014	.45

Special Carry License – An **UNRESTRICTED** Handgun License which permits the carrying of a handgun concealed on the person 24 hours a day, 7 days a week. It should also be noted that the holder of a Special Carry License must also present a valid New York State County Carry License.



HANDGUN LICENSES AND WEAPONS



**RESTRICTED CONCEALED
CARRY HANDGUN LICENSE**

Issued: 11-14-2004 Expires: 03-21-2006

DOE, JANE
123 MAIN ST.
NEW YORK
NY 10302000

1234 MAIN ST.
Mickey House

Lic: X20060207
DOB: 03-21-1920 Ht: 5'04" Wt: 185 005 PRECINCT

LIMITED CARRY
Handgun Privilege Restricted to
Hours and Days of the Week Listed on Rear

DAYS	FROM	TO	FROM	TO	FROM	TO
M						
T						
W						
T						
F						
S						
S						

FROM 1234 MAIN ST. TO 6709 GEORGIANA AVE.

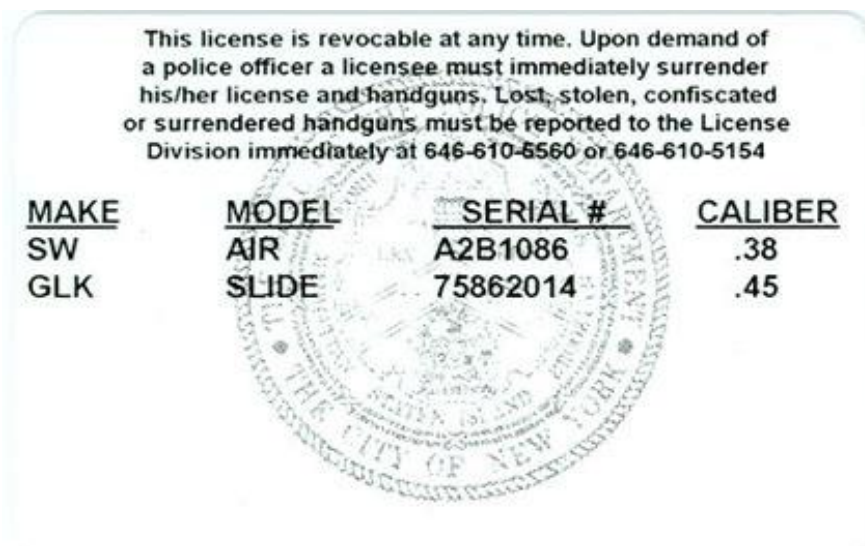
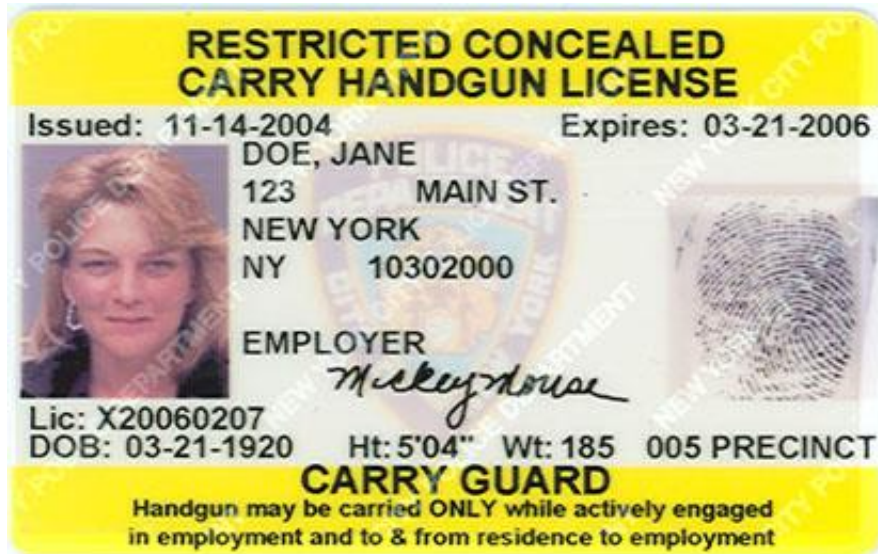
The below handguns May be Carried Only on the Days, Times,
To and From Locations listed above.

MAKE	MODEL	SERIAL#	CAL
SW	AIR	A2B1086	.38
GLK	SLIDE	75862014	.45

Limited Carry License – A **RESTRICTED** Handgun License which permits the licensee to carry the handgun listed on the license, concealed on the person, to and from specific locations during specific days and times set forth on the license.



HANDGUN LICENSES AND WEAPONS



Carry Guard License – A **RESTRICTED** type of Carry License which is only valid when the licensee is actually engaged in a work assignment as a security guard.



HANDGUN LICENSES AND WEAPONS



Gun Custodian License – A **RESTRICTED** License related to the Carry Guard License. The holder is licensed to carry/possess firearms which also appear on additional licenses. The Gun Custodian keeps control over ALL firearms which are licensed by a specific security company and is responsible for security and accounting of those firearms. It should be noted that in addition to a Gun Custodian License, the licensee must also maintain a valid Carry Guard License.



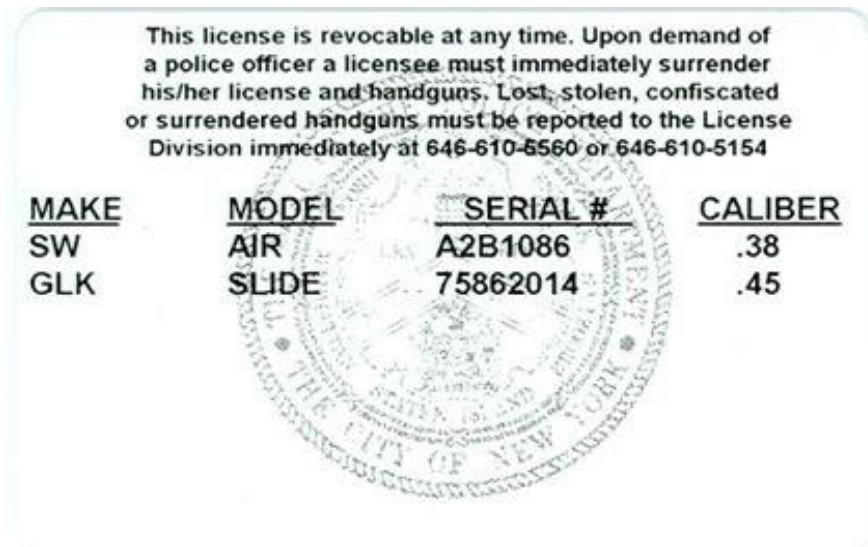
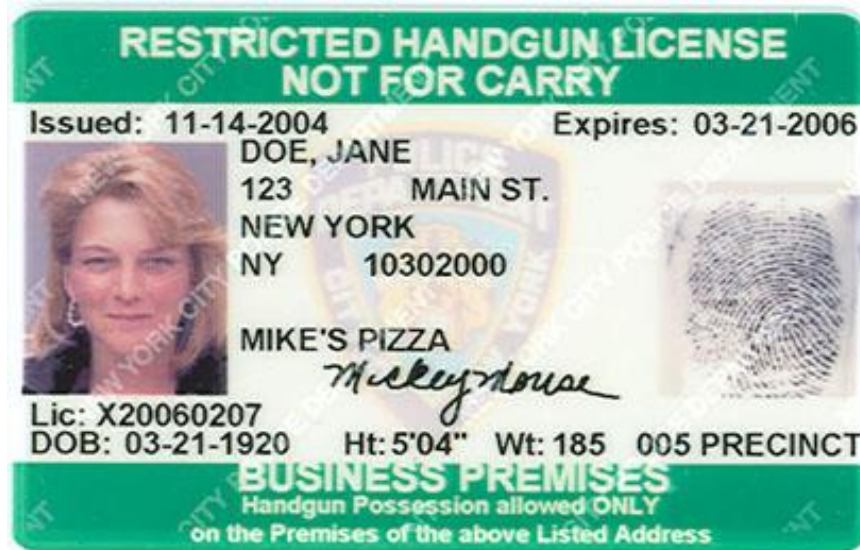
HANDGUN LICENSES AND WEAPONS



Premises License – Residence - A **RESTRICTED** Handgun License, issued for a specific residence location. The handgun shall be safeguarded at the specific address indicated on the license. This license permits the transporting of an unloaded handgun secured in a locked container directly to and from an authorized small arms range/shooting club, a lawful shooting competition, or any other location where the license holder is lawfully authorized to possess such handgun. Ammunition shall be carried separately.



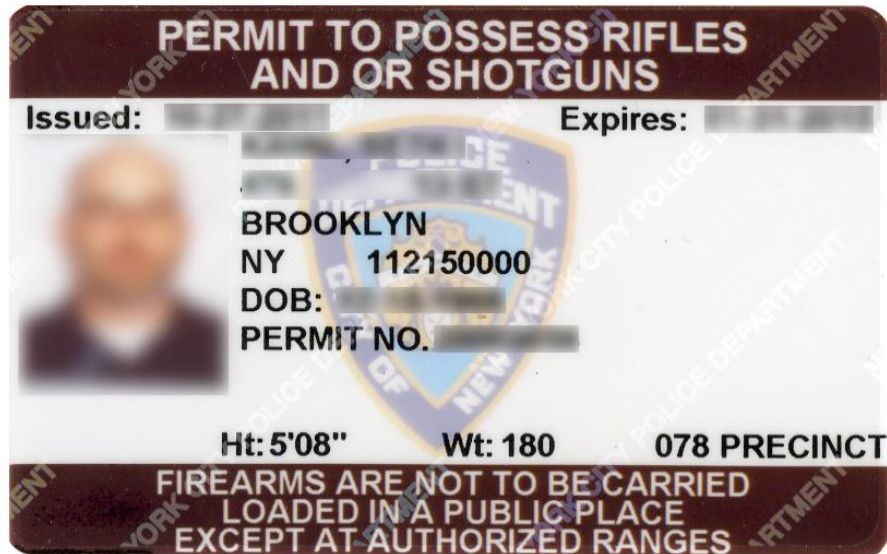
HANDGUN LICENSES AND WEAPONS



Premises License – Business - A **RESTRICTED** Handgun License, issued for a specific business location. The handgun shall be safeguarded at the specific address indicated on the license. This license permits the transporting of an unloaded handgun secured in a locked container directly to and from an authorized small arms range/shooting club, a lawful shooting competition, or any other location where the license holder is lawfully authorized to possess such handgun. Ammunition shall be carried separately.



HANDGUN LICENSES AND WEAPONS



1. Permittee must have this permit in his possession at all times when in possession or carrying a rifle and / or shotgun plus separate certificate registration for that particular rifle and/ or shotgun.
2. Permittees are not permitted to purchase, acquire, sell, transfer or otherwise dispose of any rifle and / or shotgun and ammunition from or to gun dealers or individuals without exhibiting a RIFLE/SHOTGUN Section Permit.
3. This Permit is not transferable.
4. **CHANGE OF ADDRESS**
Notify RIFLE/SHOTGUN Section of any change in address within (10) days.
5. If Permit is lost or stolen, report loss immediately to Police Precinct notify the RIFLE/SHOTGUN Section in writing within five (5) days.
6. This Permit is subject to revocation by the RIFLE/SHOTGUN Section

Rifle/Shotgun Permit – A Permit authorizing a person to possess a rifle and/or shotgun in New York City.



HANDGUN LICENSES AND WEAPONS



ITEMS PROHIBITED TO BE POSSESSED IN NYS

- ARTICLE 265 OF THE NYS PENAL LAW LISTS ALL THE WEAPONS THAT ARE ILLEGAL TO CARRY IN THE STATE OF NEW YORK
- *SOME* OF THE WEAPONS ARE PICTURED AS FOLLOWS:



HANDGUN LICENSES AND WEAPONS



SWITCHBLADE



- BLADE
AUTOMATICALLY
OPENS
- BY PRESSING A
BUTTON OR LEVER
- IN THE HANDLE OF
THE KNIFE



HANDGUN LICENSES AND WEAPONS



DAGGER



- DOUBLE EDGED KNIFE
- USED TO PUNCTURE
- ALSO KNOWN AS DIRK OR STILLETTO

KUNG FU STAR



- DISC LIKE OBJECT
- WITH SHARPENED POINTS
- USED AS A THROWING WEAPON



HANDGUN LICENSES AND WEAPONS



METAL KNUCKLE KNIFE



- WHEN CLOSED CANNOT FUNCTION AS KNUCKLES OR KNIFE
- WHEN OPEN, CAN FUNCTION AS BOTH



HANDGUN LICENSES AND WEAPONS



CANE SWORDS



- CANE OR SWAGGER STICK
- WITH CONCEALED BLADE
- USED AS SWORD OR STILLETTO

METAL AND PLASTIC KNUCKLES



- MADE OF HARD METAL OR PLASTIC
- WORN ON HAND
- USED TO AS A BLUNT OBJECT WHEN PUNCHING VICTIM



HANDGUN LICENSES AND WEAPONS



BILLY



- SMALL HARD BATON
- USUALLY MADE OF HARD PLASTIC
- COMMONLY USED BY LAW ENFORCEMENT



HANDGUN LICENSES AND WEAPONS



BLACKJACK



- MADE BY WRAPPING LEATHER AROUND A SHEET OF METAL
- USED FOR STRIKING
- HOMEMADE USES DUCT TAPE

CHUKA STICK



- TWO OR MORE LENGTHS OF RIGID MATERIAL
- JOINED BY A ROPE OR CHAIN
- USED FOR STRIKING OR CHOKING



HANDGUN LICENSES AND WEAPONS



FIREARM



- PISTOL OR REVOLVER
- SHOTGUN WITH BARREL UNDER 18"
- RIFLE WITH BARREL UNDER 16"
- RIFLE OR SHOTGUN WITH LENGTH UNDER 26"
- ASSAULT RIFLE



HANDGUN LICENSES AND WEAPONS



PILUM BALLISTIC KNIFE



- BLADE PROJECTED FROM HANDLE
- BY PRESSING BUTTON OR LEVER
- ON HANDLE OF KNIFE

WRIST-BRACE SLINGSHOT



- ALSO KNOWN AS SLUNGSHOT
- BRACE THAT SUPPORTS AIM AND POWER
- PROJECTS METAL BALLS AT HIGH RATE OF SPEED



HANDGUN LICENSES AND WEAPONS



ELECTRONIC STUN GUN



- DESIGNED AS A WEAPON
- TO STUN, KNOCKOUT OR PARALYZE A PERSON
- BY MEANS OF ELECTRIC SHOCK



HANDGUN LICENSES AND WEAPONS



ELECTRONIC DART GUN



- USES DART OR PROJECTILE
- TO STUN, KNOCKOUT OR PARALYZE
- BY PASSING ELECTRICAL SHOCK

DANGEROUS KNIFE



- "CATCH-ALL" THAT INCLUDES ALL OTHER KNIVES
- DESIGNED PRIMARILY AS WEAPONS
- THAT ARE NOT LISTED IN THE STATUTE



HANDGUN LICENSES AND WEAPONS



DANGEROUS WEAPON



- "CATCH-ALL" CATEGORY
- INCLUDES ALL **HOMEMADE** WEAPONS
- EXPLOSIVES
- CUTTING INSTRUMENTS

EXPLOSIVE BULLET



- CONTAINS EXPLOSIVE SUBSTANCE
- DESIGNED TO DETONATE ON IMPACT
- Note: unlawful possession of any ammunition is an Administrative Code misdemeanor



HANDGUN LICENSES AND WEAPONS



MISDEMEANOR POSSESSION

- ANY OF THE ABOVE CUTTERS, SHOOTERS, HITTERS, STUNNERS
- EXPLOSIVE BULLET
- DANGEROUS KNIFE
- PLASTIC KNUCKLES
- DANGEROUS WEAPON
- RAZOR
- ARMOR-PIERCING BULLET
- IMITATION PISTOL
- DANGEROUS INSTRUMENT

CRIMINAL INTENT

- RAZOR
- ARMOR-PIERCING BULLET
- IMITATION PISTOL
- DANGEROUS INSTRUMENT

Criminal intent is needed to charge a person with CPW for possessing the above weapons

Note: Mere possession of any type of bullet is an Administrative Code misdemeanor (arrest or summons)

Note: Mere possession of an imitation pistol is an Administrative Code violation (arrest or summons)

Note: Possession of a razor box cutter in public by persons under 21 is an Administrative Code misdemeanor (arrest or summons) (under 22 if school grounds)



HANDGUN LICENSES AND WEAPONS



MACHINE GUN



- WEAPON OF ANY DESCRIPTION OR SIZE
- LOADED OR UNLOADED
- WHERE ONE PULL OF TRIGGER RAPIDLY RELEASES A NUMBER OF SHOTS

ASSAULT WEAPON



- SEMIAUTOMATIC WEAPON
- LARGE MAGAZINE CAPACITY
- CONTAINS EXTRA ITEMS (FLASH SUPPRESSORS, GRENADE LAUNCHER, ETC.)



HANDGUN LICENSES AND WEAPONS



SILENCER



- INSTRUMENT, ATTACHMENT OR APPLIANCE
- THAT CAUSES THE FIRING OF A GUN TO BE SILENT
- OR THAT MUFFLES THE SOUND

DISGUISED GUN



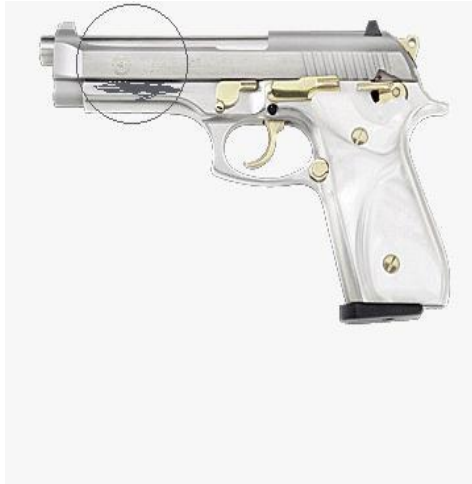
- CAPABLE OF BEING CONCEALED
- FROM WHICH A SHOT CAN BE DISCHARGED
- INTENDED TO LOOK LIKE SOMETHING OTHER THAN A GUN



HANDGUN LICENSES AND WEAPONS



DEFACED FIREARM



- COVER
- ALTER
- REMOVE
- DESTROY
- SERIAL NUMBER
OR IDENTIFYING
MARK



HANDGUN LICENSES AND WEAPONS



LOADED FIREARM



- OPERABLE FIREARM
- LOADED WITH AMMUNITION
- OR HAS IN HIS OR HER POSSESSION A QUANTITY OF AMMUNITION
- THAT CAN BE USED TO DISCHARGE SUCH FIREARM

FELONY POSSESSION

- LOADED FIREARM (NOT IN HOME OR BUSINESS)
- SILENCER
- MACHINE GUN
- DEFACED GUN
- DISGUISED GUN
- ANY PRIOR CONVICTION OF A CRIME
- ASSAULT WEAPON
- LARGE CAPACITY AMMUNITION FEEDING DEVICE
- EXPLOSIVE SUBSTANCE
- 3 OR MORE FIREARMS
- UNLOADED FIREARM AND COMMITS A DRUG TRAFFICKING FELONY
- UNLOADED FIREARM AND COMMITS A CLASS B, C, D OR E FELONY
- RIFLE, SHOTGUN OR FIREARM ON SCHOOL GROUNDS



HANDGUN LICENSES AND WEAPONS



PRESUMPTIONS OF LAW

- **MACHINE GUN** FOUND IN AUTO OR DWELLING, PRESUMED TO BE POSSESSED BY **ALL**.
- WEAPONS FOUND IN **STOLEN VEHICLE** ARE PRESUMED TO BE POSSESSED BY **ALL**.
- WEAPONS FOUND **INSIDE VEHICLE** (NOT CONCEALED ON A PERSON) ARE PRESUMED TO BE POSSESSED BY **ALL**.

POSSESSION

- **ACTUAL POSSESSION**- TO HAVE PHYSICAL POSSESSION OF PROPERTY
- **CONSTRUCTIVE POSSESSION**- TO EXERCISE CONTROL OVER PROPERTY (i.e., firearm in glove box, switchblade in briefcase)



HANDGUN LICENSES AND WEAPONS



ITEMS PROHIBITED TO POSSESS IN NYC

- MOST TYPES OF WEAPONS ARE PROHIBITED TO POSSESS INSIDE THE NEW YORK CITY LIMITS
- THE FOLLOWING IS A LIST OF CERTAIN ITEMS THAT ARE PROHIBITED TO BE POSSESSED IN NYC
- THESE OFFENSES CAN EITHER BE MISDEMEANORS OR VIOLATIONS
- GENERALLY, THE SUBJECT IS ISSUED A SUMMONS FOR THE VIOLATION AND THE ITEM IS SEIZED



HANDGUN LICENSES AND WEAPONS



ADMINISTRATIVE CODE CHARGE	DESCRIPTION OF VIOLATION	CLASSIFICATION OF CHARGE
10-131 (b)	Unlawful possession of an air pistol/rifle	Misdemeanor
10-131 (g)	Unlawful possession of an imitation pistol (black, blue, silver or grey in color)	Misdemeanor
10-131 (h1)	Unlawful possession of a loaded rifle or shotgun in public	Misdemeanor
10-131 (h2)	Unlawful possession of an unloaded rifle or shotgun in public view	Misdemeanor
10-303	Possession of a rifle or shotgun without a permit	Misdemeanor
10-304 (a)	Possession of an unregistered rifle or shotgun	Misdemeanor
10-306 (d)	Unlawful possession of rifle or shotgun ammunition or ammunition feeding device	Misdemeanor
10-131 (i3)	Unlawful possession of pistol or revolver ammunition	Misdemeanor
10-131 (i6)	Unlawful possession of ammunition feeding device	Misdemeanor
10-133 (b)	Unlawful possession of a knife 4 inches or more	Violation
10-133 (c)	Possession of any knife in public view	Violation
10-134.1 (e)	-Unlawful possession of a boxcutter by person under 22 on school grounds -Unlawful possession of a boxcutter by person under 21 in public	Misdemeanor
10-134.2 (d)	-Unlawful possession of a laser pointer by person under 21 on school grounds -Unlawful possession of a laser pointer by person under 19 in public -Unlawful use of laser pointer in public (no age)	Violation
10-134.2 (e)	Unlawfully directing laser pointer light at uniformed government worker or marked vehicle	Misdemeanor
10-147	Unlawful possession of handcuffs	Violation
10-103 (a)	Unlawful possession of police scanner	Misdemeanor

ITEMS PROHIBITED TO POSSESS IN NEW YORK CITY



HANDGUN LICENSES AND WEAPONS

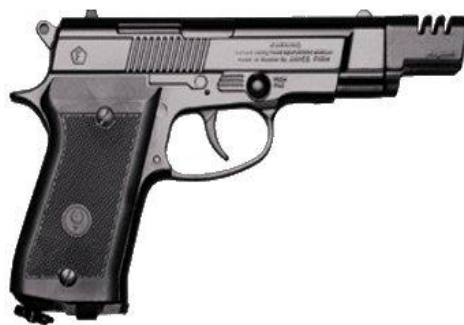


IMITATION PISTOL



- ANY TOY OR IMITATION PISTOL SOLD OR POSSESSED IN THE CITY MUST BE WHOLLY OR PARTIALLY OF A BRIGHT COLOR (*OTHER THAN BLACK, BLUE, SILVER, OR GREY*).
- AC 10-131 (g)

AIR PISTOL/RIFLE



- IT IS UNLAWFUL TO POSSESS AIR PISTOLS OR RIFLES (AKA "BB GUNS") IN NYC.
- AC 10-131 (b)



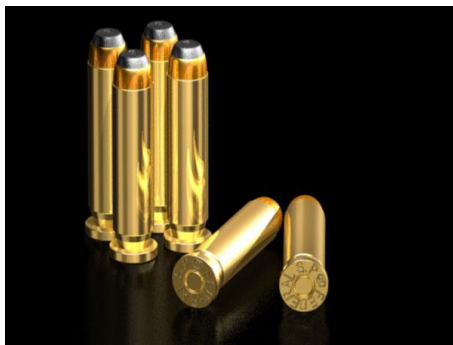
HANDGUN LICENSES AND WEAPONS



RIFLE AND SHOTGUN

- UNLAWFUL TO POSSESS LOADED IN PUBLIC **AC 10-131 (h1)**
- UNLAWFUL TO POSSESS UNLOADED IN PUBLIC VIEW (NOT CONCEALED) **AC 10-131 (h2)**
- UNLAWFUL TO POSSESS WITHOUT PERMIT **AC 10-303**
- UNLAWFUL TO POSSESS WITHOUT REGISTRATION **AC 10-304 (a)**

AMMUNITION



- IT IS UNLAWFUL TO POSSESS RIFLE OR SHOTGUN AMMUNITION **(AC 10-306 [d])** OR
- PISTOL OR REVOLVER AMMUNITION **(AC 10-131 [i3])**
- WITHOUT A PERMIT



HANDGUN LICENSES AND WEAPONS



AMMUNITION FEEDING DEVICES



- IT IS UNLAWFUL TO POSSESS RIFLE OR SHOTGUN AMMUNITION FEEDING DEVICE
(AC 10-306 [d]) OR
- PISTOL OR REVOLVER AMMUNITION FEEDING DEVICE
(AC 10-131 [i6])
- WITHOUT A PERMIT

KNIVES



- UNLAWFUL TO POSSESS KNIFE WITH BLADE **4 INCHES OR MORE** AC 10-133 (b)
- UNLAWFUL TO POSSESS **ANY KNIFE** IN PUBLIC VIEW (NOT CONCEALED)
AC 10-133 (c)



HANDGUN LICENSES AND WEAPONS



BOXCUTTER



- ANY KNIFE CONTAINING A RAZOR BLADE, (RETRACTABLE, NON-RETRACTABLE, OR DETACHABLE IN SEGMENTS),
- ATTACHED TO OR CONTAINED IN A PLASTIC OR METAL HOUSING

BOXCUTTER



- INCLUDING:
- UTILITY KNIVES
- SNAP-OFF KNIVES
- BOX CART CUTTERS



HANDGUN LICENSES AND WEAPONS



BOXCUTTER



- UNLAWFUL TO POSSESS ON SCHOOL GROUNDS (PERSON UNDER 22)
- UNLAWFUL TO POSSESS IN PUBLIC BY PERSONS UNDER 21
- **AC 10-134.1 (e)**

LASER POINTER



- UNLAWFUL TO POSSESS ON SCHOOL GROUNDS (PERSON UNDER 21)
- UNLAWFUL TO POSSESS IN PUBLIC (PERSON UNDER 19)
- UNLAWFUL TO USE LASER POINTER IN PUBLIC (NO AGE)
- **AC 10-134.2 (d)**



HANDGUN LICENSES AND WEAPONS



LASER POINTER



- UNLAWFUL TO DIRECT LASER POINTER AT UNIFORM GOVERNMENT EMPLOYEE OR MARKED VEHICLE
- **AC 10-134.2 (e)**

HANDCUFFS



- UNLAWFUL TO POSSESS
- LAW ENFORCEMENT (INCLUDING AUXILIARY OFFICERS) EXEMPT
- **AC 10-147**